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February 21, 1997

**VIA HAND DELIVERY**

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**FEB 21 1997**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

Federal Communications Commission  
Office of Secretary

Re: *Motion to Extend the Reply Comment Filing Date, IB Docket No. 96-261*

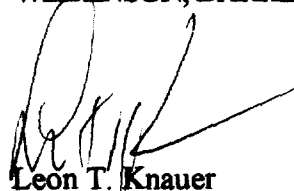
Dear Mr. Caton:

Please find enclosed an original and four copies of a Motion to Extend the Reply Comment Filing Date in the Matter of International Settlement Rates, IB Docket No. 96-261.

Should you have any questions about this matter, please contact the undersigned counsel.

Sincerely,

WILKINSON, BARKER, KNAUER & QUINN

  
Leon T. Knauer

Enclosure

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BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, DC 20554

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FEB 21 1997  
Federal Communications Commission  
Office of Secretary

In the Matter of )  
 ) IB Docket No. 96-261  
International Settlement Rates )

**MOTION TO EXTEND THE REPLY COMMENT FILING DATE**

The Republic of Panama, by its attorneys and pursuant to Federal Communications Commission (the "Commission") Rule 1.46, 47 C.F.R. § 1.46, respectfully requests that the Commission extend the date for filing reply comments in this proceeding from Monday, March 10, 1997 to Monday, April 14, 1997. In support thereof, the Republic of Panama states:

1. This Commission released its *Notice of Proposed Rulemaking* in this proceeding on December 19, 1996, FCC 96-484. The Commission directed that comments be filed by February 7, 1997 and reply comments by March 10, 1997.
2. Over 50 sets of comments were filed as of February 7, 1997, and many of the comments were filed by foreign governments (like the Republic of Panama) and carriers operating outside the United States. Two points are apparent from these comments. First, there is a substantial question whether, under prevailing U.S. and international law, this Commission has the legal authority to adopt its proposed rules. Second, even aside from these jurisdictional issues, the comments make plain that the Commission's proposals could dramatically, and negatively, impact the provision of telecommunication services not only between countries but within foreign countries as well.

3. At present, reply comments are due on Monday, March 10, 1997.

Although this Commission understandably has a general policy that motions for extension of time will "not be routinely granted," 47 C.F.R. § 1.46(a), the Republic of Panama respectfully submits that an extension of the reply comment filing deadline is warranted in this matter. As explained below, the current schedule does not give the Republic of Panama sufficient time to prepare informed reply comments in this critically important proceeding.

4. First, the Republic of Panama has encountered significant problems in obtaining copies of all the comments filed, caused in part by failure of the Commission's Record Imaging Processing System.<sup>1</sup> Indeed, two weeks after the comment filing date, parties still have been unable to obtain a complete set of the comments. It is thus clear that the current March 10, 1997 deadline, if not extended, will not give the Republic of Panama sufficient time in which to prepare its reply comments.

5. The stress imposed by the delay in obtaining a complete set of the filed comments is aggravated by the complexity and delays inherent in working with foreign attorneys (located in the United States). Consequently, even if Panama today had access to all of the comments, two weeks is simply an insufficient amount of time in which to prepare meaningful reply comments.

6. Panama suspects that other foreign governments and carriers are encountering the same logistical problems it is experiencing.

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<sup>1</sup>See *Public Notice*, Record Imaging Processing System Is Down Due to Hardware Failure (Feb. 12, 1997).

7. Perhaps most importantly, it was only a week or so ago that the World Trade Organization's Group on Basic Telecommunications reached an historic agreement concerning the provision of telecommunications throughout the world. While the Republic of Panama has not yet had time to digest this trade accord fully, it is apparent that the agreement will result in dramatic changes in the provision of telecommunications services, including the international telecommunications services that are the subject of the instant *Notice of Proposed Rulemaking*. The Republic of Panama needs time to understand not only the ramifications of the WTO agreement but also how that agreement will impact the Commission's proposals in this rulemaking. Once again, the Republic of Panama suspects that other foreign governments and foreign carriers are facing the same situation.

8. Although, as noted, this Commission has a policy of not generally granting motions for extension of time, the Republic of Panama respectfully submits that it has demonstrated good cause to extend briefly the date for filing reply comments.<sup>2</sup>

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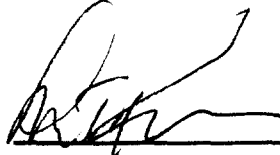
<sup>2</sup>The Commission and its Bureaus have granted extensions in other proceedings for reasons which are applicable here. For example, extensions have been granted because:

- Parties required additional time to incorporate in their reply comments information learned at a recent international meeting, *see, e.g., Preparation for ITU World Radiocommunication Conferences*, 10 FCC Rcd. 5032 (IB, March 6, 1995);
- Parties faced "logistical problems" in obtaining comments, *see, e.g., Allocation of Costs*, 11 FCC Rcd. 6700 (AAD, June 6, 1996); *Federal-State Joint Board on Universal Service*, 11 FCC Rcd. 11475 (CCD, April 1, 1996);
- The movant required additional time "to prepare meaningful comments," *see, e.g., Federal-State Joint Board on Universal Service*, CC Docket No. 96-45 (AAD, Dec. 11, 1996);
- The proceeding involved "important" and "complex" issues of "vital interest," the Commission determining that it was desirable that the record "be as complete as possible," *see, e.g., Market Entry and Regulation of Foreign-Affiliated Entities*, 10 FCC Rcd. 4537 (IB, March 15, 1992); *New England Telephone*, 11 FCC Rcd. 8144 (July 12, 1996); *AT&T Corp.*, 11 FCC Rcd. 9668 (Dec. 26, 1995); *Examination of Exclusivity and Frequency Assignment Policies*, 10 FCC Rcd. 10897 (PWD, Sept. 13, 1995); *Amendment of Part 36*, 10 FCC Rcd. 10961 (CC.B., Sept. 1, 1995).

For the foregoing reasons, the Republic of Panama respectfully requests that the Commission favorably entertain its request to extend the date for filing comments in this proceeding from Monday, March 10, 1997 to Monday, April 14, 1997.

Respectfully submitted,

**REPUBLIC OF PANAMA**



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February 21, 1997

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I, **Giuliana M. Castro**, hereby certify that I have served a copy of the foregoing Motion to Extend the Reply Comment Filing date on this 21st day of February, 1997, upon the following parties:

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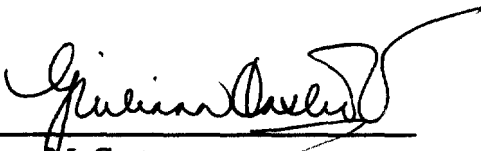
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